

Appl. No. : 09/713,479
Filed : November 15, 2000

REMARKS

The June 15, 2005 Office Action was based upon pending Claims 1-11, 19-25, 30, 32-38, 40, 41 and 49. Applicant has amended Claims 19, 22, 30, 32, 35, 40 and 49 as indicated above and thus, Claims 1-11, 19-25, 30, 32-38, 40, 41 and 49 remain pending in this application.

The Office Action rejected Claims 22-25, 35-38, 40 and 41 under 35 U.S.C. § 101 as directed to non-statutory subject matter.

The Office Action rejected Claims 1, 3-7, 19-23, 30, 32-36, 40 and 49 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 6,519,613 B1 to Friske, et al. ("the Friske patent") in view of U.S. Patent No. 6,499,033 B1 to Vagnozzi ("the Vagnozzi patent").

The Office Action rejected Claims 2, 8, 21, 24, 25, 37, 38, 41 and 49 under 35 U.S.C. § 103 as being unpatentable over "the Friske patent" in view of the Vagnozzi patent and further in view of U.S. Patent No. 6,122,640 to Pereira ("the Pereira patent").

In light of the arguments set forth below, Applicant respectfully requests allowance of the pending claims.

Rejection of Claims 22-25, 35-38, 40 and 41 under 35 U.S.C. § 101

The Office Action rejected Claims 22-25, 35-38, 40 and 41 under 35 U.S.C. § 101 as directed to non-statutory subject matter. While Applicant disagrees with the rejection, Applicant has amended Claims 22, 35, and 40 to reflect that the claims are directed to computer-implemented embodiments. Claims 23-25, 36-38 and 41 depend from Claims 22, 35 and 40 respectively and are believed to be patentable for the same reasons articulated above with respect to Claims 22, 25 and 40 and because of the additional features recited therein.

Rejection of Claims 1, 3-7, 19-23, 30, 32-36, 40 and 49 under 35 U.S.C. § 103

The Office Action rejected Claims 1, 3-7, 19-23, 30, 32-36, 40 and 49 under 35 U.S.C. § 103 as being unpatentable over the Friske patent in view of the Vagnozzi patent. In view of the following discussion, Applicant respectfully traverses this rejection.

Appl. No. : 09/713,479
Filed : November 15, 2000

Partial Locking of a Reorganized Object

In Applicant's invention, two objects exist – 1) an original object and 2) a reorganization object. The reorganization object has a copy of the information stored in the original object. This information is then reorganized while the original object remains available.

Unlike any of the cited references a partial lock is applied to the reorganized object during reorganization. This partial lock allows some operations to occur while at least temporarily preventing other operations.

Partial Locking of the Reorganized Object and the Original Object

In certain embodiments, Applicant's invention applies two partial locks – 1) a partial lock on the original object and 2) a partial lock on the reorganized object. None of the references either alone or in combination teach the concept of applying a first partial lock to the original object and a second partial lock to the reorganized object.

In particular, Applicant agrees with the Examiner that Friske patent does not describe the partial locking of database tables during reorganization.

In addition, the Vagnozzi patent also does not describe the partial lock of database tables during reorganization. Rather, the Vagnozzi patent appears to describe a process of selectively retrieving records in a database – not reorganization of an object in a database.

Thus, even if it were possible to combine the Friske patent and the Vagnozzi patent, which one cannot, the combination would not teach Applicant's invention of a first partial lock on the original object and a second partial lock on the reorganized reorganized object.

Therefore, Applicant respectfully requests allowance of independent Claims 1, 19, 22, 30, 32, 35 and 40. Applicant also respectfully requests allowance of dependent Claims 3-7, 20, 21, 23, 33, 34, 36 and 49 which depend respectively from Claims 1, 19, 22, 32, 35 and 40 as Applicant believes these claims to be patentable for the same reasons articulated above and because of the additional features recited therein.

Appl. No. : 09/713,479
Filed : November 15, 2000

Rejection of Claims 2, 8, 21, 24, 25, 37, 38, 41 and 49 under 35 U.S.C. § 103

The Office Action rejected Claims 2, 8, 21, 24, 25, 37, 38, 41 and 49 under 35 U.S.C. § 103 as being unpatentable over "the Friske patent" in view of the Vagnozzi patent and further in view of the Pereira patent.

As stated above, none of the cited references either alone or in combination teach the concept of applying a first partial lock to the original object and a second partial lock to the reorganized object.

Thus, Applicant respectfully requests allowance of dependent Claims 2, 8, 21, 24, 25, 37, 38, 41 and 49 which depend respectively from Claims 1, 19, 22, 35 and 40 as Applicant believes these claims to be patentable for the same reasons articulated above and because of the additional features recited therein

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10-14-05

By: John R. King
John R. King
Registration No. 34,362
Attorney of Record
Customer No. 20,995
(949) 760-0404

1983192
101005